

REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY, CALIFORNIA
AND RECORD OF ACTION

62

December 21, 2004

FROM: MICHAEL E. HAYS, DIRECTOR
LAND USE SERVICES DEPARTMENT/CURRENT PLANNING DIVISION

SUBJECT: GENERAL PLAN AMENDMENT AND CONDITIONAL USE PERMIT;
APPLICANT: JEFFREY & MARTHA HIMMELRICK; APN: 0467-142-15;
COMMUNITY: HELENDALE

RECOMMENDATION:

1. **CONDUCT** a public hearing on TUESDAY, DECEMBER 21, 2004, at 10:00 AM to consider a **DECLARATION OF AN INTENT** to:
 - a) **ADOPT** a Negative Declaration;
 - b) **APPROVE** a General Plan Amendment from Rural Living (RL) to Rural Commercial (CR) on 2.55-acres; Applicant: Jeffrey & Martha Himmelrick; APN: 0467-142-15; Community: Helendale;
 - c) **APPROVE** a Conditional Use Permit to establish a 2,032 sq. ft. restaurant, subject to Conditions of Approval;
 - d) **ADOPT** the Findings as recommended by the Planning Commission;
 - e) **FILE** a Notice of Determination;
2. **CONTINUE** for Final Adoption with the Third Cycle General Plan Amendments.

BACKGROUND INFORMATION: On October 21, 2004, the Planning Commission unanimously recommended approval of the proposed General Plan Amendment and the concurrently filed Conditional Use Permit.

The site is located on the east side of National Trails Highway, approximately 750' south of Rinaldi Road in the Helendale area. Improvements existing on site include a single family residence, a triplex, miscellaneous outbuildings, i.e., sheds and well houses, and the building proposed to be the restaurant. Built circa 1944, the building that is to be the new restaurant was originally operated as the White Café (a.k.a. Orange & White Café). The building was more recently used as office space. All commercial uses were abandoned and since the early 2000s the building has remained vacant. Surrounding land use districts are predominately Rural Living. The proposed 2,032 square foot restaurant would serve the residents of these surrounding rural residential properties and the traveling public along Historic Route 66.

No surrounding property owners spoke in opposition to the project during public testimony at the Planning Commission hearing. Staff received one letter of concern over traffic safety. The original opinion of the County Traffic Division was that there would be no adverse impact as a result of the project. In response to the letter of concern, County Public Works Department, Traffic Division visited the site. Their opinion remained unchanged.

Record of Action of the Board of Supervisors

62

An independent Initial Study, in compliance with the California Environmental Quality Act (CEQA), has been completed for the project that determined the proposal will not have any adverse impacts that will remain potentially significant, after the implementation of the Conditions of Approval. Therefore, adoption of a Negative Declaration is recommended.

REVIEW AND APPROVAL BY OTHERS: This item has been reviewed and approved by Deputy County Counsel Robin Cochran, 387-8957, on December 7, 2004, and by the County Administrative Office, Patricia M. Cole, 387-5346, Administrative Analyst III, on December 10, 2004. The Planning Commission heard this item on October 21, 2004.

FINANCIAL IMPACT: There are no financial impacts associated with this item.

SUPERVISORIAL DISTRICT: 1st

PRESENTER: Michael E. Hays, Director, Land Use Services Department, 387-4141